

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
(PHILADELPHIA)**

IN RE:
Alessandro B. Micozzi
Kristi M. Micozzi
Debtors

CHAPTER 13

CASE NO.: **21-10629-mdc**

CERTIFICATION OF DEFAULT

NOW COMES the Movant, Wilmington Trust, National Association, not in its individual capacity, but solely as trustee for MFRA Trust 2014-2, by and through its attorneys, Hill Wallack LLP, who file this Certification of Default upon the following:

1. Movant filed a Motion for Relief on October 26, 2022 at Doc. No. 42.
2. Debtor filed a response and the motion was resolved amicably with an ordered stipulation.
3. More specifically, the Debtors and Movant entered into a certain Stipulation Resolving Movant's Motion for Relief and providing for default wherein the Debtor was to remain current on all regular post-petition monthly mortgage payments. A true and correct copy of the Stipulation is attached hereto and made a part hereof as Exhibit "A." On or about January 5, 2023 the court entered an Order approving the Stipulation. *See, Doc. No. 50.*
4. The Stipulation provided that should Monthly payments not be remitted on the day due, Movant shall send Debtors and Debtors' counsel a written Notice of Default of this Stipulation. If the default is not cured within fifteen (15) days of the date of the Notice, counsel shall file a Certification of Default with the Court and the Court shall enter an Order granting stay relief from the automatic stay and waiving FED. R. Bankr. P. 3002.1 and Rule 4001 (a)(3) so that the Relief Order is immediately effective and enforceable. *See, Stipulation at ¶6.*

5. The Debtors failed to make the payments required under the Stipulation causing the Movant to send a Notice of Default. On May 22, 2023, a Notice of Default was sent to Debtor's and their counsel. The Notice advised that the Debtors were past due for \$4,166.62 after credit is given for the suspense balance. A true and correct copy of the letter dated May 22, 2023 is attached hereto as Exhibit "B".
6. As of June 12, 2023, the payments and the post-petition arrears have not been cured in full and therefore the Debtors are in default under the Stipulation. The amount presently due is \$4,166.62, which sum includes the payments due for 4/1/2023 through 6/1/2023 in the amount of \$6,218.46, less credit given for post-petition suspense in the amount of \$2,051.84.
7. As such, Wilmington Trust, National Association, not in its individual capacity, but solely as trustee for MFRA Trust 2014-2, respectfully requests that the attached Order in connection with the Motion for Relief from Stay be entered.

Hill Wallack LLP

By: /s/ Angela C. Pattison, Esq.
Angela C. Pattison, Esq.,
Attorney ID 307611
Hill Wallack, LLP
1415 Route 70 East, Suite 309
Cherry Hill, NJ 08034
Telephone 856-616-8086
Facsimile 856-616-8081
Email: apattison@hillwallack.com